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THE REALIZATION OF ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Preliminary report on human rights and extreme poverty, prepared by Mr. Leandro Despouy, Special Rapporteur appointed in accordance with resolution 1992/27 of the Sub-Commission on the Prevention of Discrimination and Protection of Minorities and resolution 1993/13 of the Commission on Human Rights

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I. HISTORY

A. Background

1. Traditionally, the issue of extreme poverty has been addressed in resolutions dealing with the realization of economic, social and cultural rights.

2. Pursuing this logic, in its resolution 1987/29, the Sub-Commission on Prevention of Discrimination and Protection of Minorities requested the Special Rapporteur on the realization of economic, cultural and social rights, Mr. Danilo Türk, to elaborate in the course of his study on the concept of the indivisibility and the interdependence of all human rights in the light of the problems and needs of people living in extreme poverty, both in industrialized and in developing countries.

3. In its resolution 1988/23, the Commission on Human Rights also requested the Sub-Commission to give priority to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged.

4. In successive reports submitted by him to the Sub-Commission, the Special Rapporteur, however, extended the debate by stressing the need to carry out a specific study of the question of extreme poverty in its global dimensions and which would take into account all the links between that problem and human rights (economic, social and cultural rights as well as civil and political rights), as reflected in the experiences of people living in situations of extreme poverty. (E/CN.4/2/1989/19, paras. 38-51; E/CN.4/2/1990/19, paras. 139-217).

5. Finally, in 1989, in its resolution 1989/10, the Commission raised for the first time the issue of extreme poverty as an independent issue to be considered not simply in the context of economic, social and cultural rights but in that of all human rights and fundamental freedoms.

6. On its side, the General Assembly addressed the topic in its resolutions 46/121, of 17 December 1991, and 47/134, of 18 December 1992, also entitled "Human rights and extreme poverty", placing it in the context of the Fourth United Nations Development Decade, the main concern of which are the search for a significant reduction of extreme poverty and the joint responsibility of all countries. Like the Commission, it declared that it was deeply concerned that extreme poverty continued to spread in all countries of the world and seriously affected the most vulnerable and disadvantaged individuals, families and groups who were thus hindered in the exercise of their human rights and fundamental freedoms.

7. On 22 December 1992, in its resolution 47/196, the General Assembly proclaimed 17 October each year the International Day for the Eradication of Poverty, thus solemnly establishing the link between extreme poverty and all human rights.

8. The choice of 17 October was not a random one. On 17 October 1987, a stone in honour of the victims of poverty was placed on the Parvis des Libertés et des Droits de l'Homme, in Paris, on the initiative of Father Joseph Wresinski 1/ in the presence of representatives of very poor families, non-governmental organizations concerned with human rights and numerous public figures from all over the world. On this occasion, a message of support from the Secretary-General of the United Nations was read out by the Under-Secretary-General for Human Rights. In the very place where, 45 years earlier, the Universal Declaration of Human Rights was signed, the memorial stone proclaims:

> "On 17 October 1987, champions of the rights of man and of citizens of all countries assembled on this forecourt. They paid a tribute to the victims of hunger, ignorance and violence. They stated their conviction that poverty is not inevitable. They proclaimed their solidarity with those who are struggling throughout the world to destroy it".

This statement is followed by the words of Father Joseph Wresinski:

> Where human beings are condemned to live in want, human rights are violated. It is a sacred duty to unite to secure respect for those rights.

9. In its resolution 1993/13, the Commission called upon States, United Nations bodies and other international organizations, including non-governmental organizations, to give due attention each International Day to the situation of the poorest, who must be the focus of events, taking into account events already organized worldwide since 17 October 1987 around the topic "Rejection of Extreme Poverty" and to inform the Secretary-General of the activities they are undertaking in this regard and invited the Secretary-General to take into account, in preparing the programme for the International Day, the relationship between extreme poverty and the full realization of human rights.

B. Instructions given by the Commission and the Sub-Commission for the realization of the study on extreme poverty and human rights

10. These instructions stem from the following facts established by these bodies.

1. The persistence of extreme poverty in all parts of the world and the universal character of this question.

11. As previously noted, the Commission and the General Assembly have indicated, using similar language, their deep concern that extreme poverty continues to spread in all countries of the world regardless of their economic, social and cultural situation.

12. The fact that extreme poverty affects developed as well as developing countries and rich as well as poor countries makes it a universal issue. Needless to say, however, although noteworthy efforts are in some cases being

made to overcome it, extreme poverty is decidedly more widespread as well as more acute in the developing countries, and it requires specific solutions and international cooperation in order to bring it to an end.

2. Extreme poverty is a violation of human dignity and a denial of the enjoyment of all human rights

13. Successive resolutions emphasize the fact that extreme poverty and exclusion from society constitute a violation of human dignity.

14. Some resolutions also point out that extreme poverty gravely affects the most vulnerable and disadvantaged individuals, families and groups, who are thus hindered in the exercise of their human rights and their fundamental freedoms.

3. The need for an improved knowledge of extreme poverty, its causes and its consequences for the enjoyment of human rights

15. The Commission has indicated its awareness of the need for improved knowledge of extreme poverty and its causes, including those connected with the problem of development, for the purpose of promoting the human rights of the poorest.

16. The United Nations Children's Fund 2/ has also established the fact that a more thorough knowledge of their situation, their living conditions and the conditions necessary for their partnership would make it easier to reach poor and disadvantaged groups.

17. Although we possess some economic, statistical or other knowledge, we must recognize that we are not acquainted with extreme poverty from the inside and with its impact on the enjoyment of human rights.

4. The crucial contribution of the poorest and of the persons committed to working with them to this knowledge of extreme poverty

18. In 1987, addressing the Commission on Human Rights, Father Joseph Wresinski 3/ requested the Commission to study the question of extreme poverty and at the same time expressed the conviction that if the poorest were heeded, they would make a crucial contribution to the struggle against poverty and the advancement of human rights; he recalled that being most frequently denied these fundamental rights, the poorest were fully aware of their value and significance for the dignity of each man. He also voiced his conviction that the efforts deployed on a day-to-day basis by the poorest to combat poverty provided guidance as to the policies that should be implemented with them in order to overcome poverty.

19. Reflecting this idea, the General Assembly, in its resolution 47/134, of 18 December 1992, stressed the need for a complete and in-depth study of extreme poverty, based on the experience and the thoughts of the poorest.

20. More recently, the Commission on Human Rights, in its resolution 1993/13, recalled that a better understanding is needed of what peoples living in

extreme poverty endure and that thought must be given to the subject, drawing on the experiences and ideas of the poorest themselves and of those committed to working alongside them.

21. This is the first time that an international body has recognized the need for the participation of the poorest in elaborating the knowledge of extreme poverty in the world. It is a development characteristic of this human rights approach in that those concerned are thus called upon to become active partners in the realization of their fundamental rights.

5. The need to identify the conditions in which the poorest can become partners in the realization of human rights

22. To enable the poorest to become partners, the Commission requested the Special Rapporteur to give attention to the conditions in which the poorest themselves can convey their experience and their thinking and so contribute to a better understanding of extreme poverty and its causes, and of its meaning for the international community.

23. In the course of his inquiries, the Special Rapporteur will draw heavily on the contribution of the non-governmental organizations which have members in the field working with persons and families in extreme poverty.

24. He has been informed that already several non-governmental organizations which are members of the Fourth World NGO Committee to the United Nations 4/ have initiated these consultations with the poorest through their members in the field and that answers have reached them and will be transmitted to him. These are organizations which are working, in time, alongside the poorest and able to make a decisive contribution in terms of the knowledge of and involvement by persons and families in extreme poverty. The Special Rapporteur is also in possession of document E/CN.4/Sub.2/1992/50 in which the International Movement ATD Fourth World reports on what the 35-year history of the associative life of families in extreme poverty has revealed about their conditions of participation.

C. Interpretation of the mandate of the Special Rapporteur

25. In dealing with a universal phenomenon which is encountered in developed and developing countries alike, in different proportions and at different levels, and which has been studied mainly from the social and economic viewpoint, the Special Rapporteur views his mandate as a fresh approach to the question of extreme poverty from the viewpoint of the enjoyment of all human rights.

26. As the various relevant resolutions indicate, the concept that underlies the Special Rapporteur's approach is that of the indivisibility and the interdependence of economic, social and cultural rights and of civil and political rights.

27. Furthermore, the Special Rapporteur takes the view that the problem is not so much one of the recognition of any specific right as the actual exercise or effective enjoyment of all human rights by the poorest.

28. As regards a human rights approach, implying by definition participation by and consultation of those actually concerned who thus far have not usually been considered as partners, the Special Rapporteur considers that a decisive part of his mandate consists of creating a dynamic process of consultation and exchanges with persons in a situation of extreme poverty.

29. In order to achieve this objective, in view of the special situation of persons living in poverty, the Special Rapporteur relies greatly on the support of persons and non-governmental organizations which have worked with them for years.

D. Sources of information

30. The Special Rapporteur anticipates basing his study on:

(i) The answers to questionnaires addressed to United Nations bodies and agencies, other intergovernmental organizations, States and non-governmental organizations;

(ii) All reliable sources, including works by authoritative persons;

(iii) The results of the consultations conducted in the field by the non-governmental organizations, to which he attributes great importance;

(iv) The work of the seminar, which the Commission on Human Rights, in its resolution 1993/13 invited him to organize with a view to furthering reflection on the topic "Extreme poverty and denial of human rights" and to make suggestions in that regard.

31. In the view of the Special Rapporteur, such a seminar would make it possible to have extensive consultations with persons and various organizations in the form of an exchange of views on the best way of conducting the study on human rights and extreme poverty. He considers that the seminar should be attended by some 30 participants and be open to interested members of the public. It should bring together mainly:

(i) Experts and specialists on this question;

(ii) Representatives of United Nations bodies and agencies, other inter-governmental organizations as well as non-governmental organizations confronted, in conjunction with their work, with the question of extreme poverty;

(iii) Persons living in extreme poverty and persons committed on a long-term basis to working alongside them.

II. DEFINITION OF EXTREME POVERTY

32. The Special Rapporteur considers that such a definition should at least:

(i) Indicate the historical dimension of extreme poverty: it is not a new phenomenon but one that can be observed at all stages of human history;

(ii) Show that the phenomenon of extreme poverty affects developed and developing countries alike in different proportions and in varying degrees;

(iii) Show the links existing between poverty and exclusion: while exclusion may sometimes lead to poverty, poverty invariably leads to exclusion;

(iv) Make a distinction between poverty and extreme poverty, which is appreciable not only in terms of economic parameters but above all in relation to the impact on the enjoyment of human rights: extreme poverty is the expression of the denial not simply of economic, social and cultural rights but of all human rights and fundamental freedoms;

(v) Show the harmful consequences for human rights of the persistence of the situation of insecurity in which persons living in extreme poverty find themselves for years and sometimes for generations. It usually is a truly vicious circle.

33. By way of example and in order to open a discussion of this problem, the Special Rapporteur proposes using the definition given by Father Joseph Wresinski. 5/

> "The lack of basic security connotes the absence of one or more factors 6/ enabling individuals and families to assume basic responsibilities and to enjoy fundamental rights. The situation may become widespread and result in more serious and permanent consequences.
>
> The lack of basic security leads to chronic poverty when it simultaneously affects several aspects of people's lives, when it is prolonged, and when it severely compromises people's chances of regaining their rights and of reassuming their responsibilities in the foreseeable future."

34. This definition offers the advantage of having been drafted in association with all the social partners of a country and in consultation with very poor families and individuals. It is therefore a definition drafted in the spirit that prevails in the realization of this study.

35. This definition also underscores both the proximity and the difference existing between situations of poverty (first part of the definition) and extreme poverty (second part of the definition). Both situations appear to be due to similar phenomena of which essentially the number, the extent and the duration vary. This shows that, from the viewpoint of human rights, the difference is not only quantitative but also qualitative. It also shows that the demarcation line between poverty and extreme poverty, although very real, may be fluid.

36. It shows that the concept of the persistence of the situation of multiple insecurity over a long period, sometimes several generations, is an element contributing to cause a situation of poverty deteriorate into a situation of

extreme poverty; this leads one to think that the process of reconquering rights and responsibilities will be especially long and difficult for those persons living in this situation.

37. By focusing on the fact that extreme poverty is due to a combination of factors of insecurity, this definition shows that the restoration of a right in isolation cannot be enough to enable persons living in extreme poverty to enjoy their other rights once more. Thus, this definition places us in the area of the indivisibility and the interdependence of human rights.

38. This definition also has the advantage of demonstrating that an analysis of extreme poverty will make for a better understanding of the components that constitute poverty in general and its causes, with the further advantage of going to the substance of the issue and of not excluding anyone.

39. The debate within the Sub-Commission will have the value of a test and the Special Rapporteur will endeavour in his future reports to follow it up, mainly on the basis of the answers received by him in conjunction with his consultations and the deliberations of the Sub-Commission.

III. THE EVIL OF POVERTY

40. This chapter will be devoted to measuring the extent of poverty, describing its overall features and assessing the seriousness and the topicality of the problem.

41. It will seek to ascertain the number and percentage of persons who are in this situation. Further, the testimony of those persons who live in extreme poverty and of those alongside them could offer the fresh dimension of actual experience. This general picture could demonstrate the extent to which extreme poverty is a problem common to all continents and that the campaign against it concerns mankind as a whole.

IV. WORK OF NATIONAL AND INTERNATIONAL AGENCIES AND ORGANIZATIONS ON EXTREME POVERTY

42. As is known, in recent years the question of poverty and extreme poverty has increasingly formed part of the concerns of the international community. This concern has been reflected in the implementation of various programmes to combat poverty, discussion as to its causes and ways and means of overcoming it.

43. The Special Rapporteur will keep himself informed and will report to the Sub-Commission on the status of these initiatives, mainly through the consultations which he envisages holding with States, intergovernmental organizations and non-governmental organizations. He will give particular attention to the work performed by the various United Nations bodies, its specialized agencies and other organs of the United Nations system.

44. Naturally, he will take account of the work and the initiatives of the General Assembly, the Commission and the Sub-Commission with a direct bearing on extreme poverty or addressing the question indirectly, as in the case of the study by Mr. Rajindar Sachar on the right to adequate housing, that by

Mrs. Fatma Zohra Ksentini on human rights and the environment or that by Mr. Asbjørn Eide on the right to adequate food as a human right. He will also refer to the initiatives with which the United Nations Department of Economic and Social Affairs has been associated.

45. In this chapter the Special Rapporteur will refer to the answers to the communication by the Secretary-General on human rights and extreme poverty furnished by the United Nations Centre for Human Settlements, the World Food Council, the World Food Programme and the United Nations Development Programme (UNDP) or other agencies. UNDP, drawing on the concept of human development has reoriented several cooperation programmes towards what are known as human priority sectors, among which are poverty and extreme poverty.

46. He will also mention the work of United Nations specialized agencies such as the Food and Agricultural Organization of the United Nations (FAO), the International Labour Organisation (ILO), the World Health Organization (WHO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO).

47. He will also refer to the work of the United Nations Conference on Trade and Development (UNCTAD) which recently set up a Standing Committee on Poverty, and to that of the Economic Commission for Latin America and the Caribbean (ECLAC) which has been dealing for some time with problems of poverty and which, in November 1992, held in Santiago its third Conference on Poverty in Latin America and the Caribbean.

48. Finally, the Special Rapporteur will give very special attention to the work of the regional intergovernmental organizations, as taking place in the Council of Europe, the Organization of American States (OAS), the Organization of African Unity (OAU) etc.

49. The Special Rapporteur also intends to refer in this chapter to the answers received by him concerning the activities undertaken by States and by non-governmental organizations.

V. A HUMAN RIGHTS APPROACH TO EXTREME POVERTY

50. There are several studies of extreme poverty mainly from the economic, statistical, social and political or other viewpoints. The specificity of the present study will reside in its human rights approach.

51. Accordingly, the Special Rapporteur intends:

(i) To draw on the international instruments relating to human rights and even on the travaux preparatoires and the ideas underlying them. He will bring out the fact that in the humanist thinking and the ideals underlying the establishment of international bodies and the elaboration of international instruments relating to human rights there was already a specific desire to combat poverty. This desire is reflected in the Preamble to the Charter of the United Nations, in the Universal Declaration of Human Rights and the travaux preparatoires by the drafters, including the writings

of Rene Cassin, in the 1966 International Covenants on Human Rights, in the 1969 Declaration on Social Progress and Development, in the Convention on the Rights of the Child and in the Constitution of the International Labour Organisation;

(ii) To implement a method of consultation which will allow the experience and ideas of the poorest themselves and those committed to working alongside them to be recorded;

(iii) To study the impact of extreme poverty on the effective enjoyment of all human rights.

52. This approach should advance the knowledge of extreme poverty as a denial of all human rights and thus demonstrate the irrefutable character of the indivisibility and the interdependence of human rights.

53. Further, the knowledge that will come to us from a method based on the participation of the poorest will certainly shed new light on the realization of human rights for all and its evaluation.

54. It will make it possible to examine in depth the importance of respect for human dignity as a criterion for the realization of human rights. It will also demonstrate how well founded is the first paragraph of the Preamble to the Universal Declaration of Human Rights which states that "recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world".

VI. CONCLUSIONS AND RECOMMENDATIONS

55. In the light of this exposition, the Special Rapporteur proposes the following plan of work for the progress report:

INTRODUCTION

A. Background

B. Instructions given by the Commission and the Sub-Commission for the realization of the study on extreme poverty and human rights

C. Interpretation of the mandate of the Special Rapporteur

D. Sources of information

CHAPTER I. DEFINITION OF EXTREME POVERTY

CHAPTER II. THE EVIL OF POVERTY

CHAPTER III. WORK OF THE NATIONAL AND INTERNATIONAL AGENCIES AND ORGANIZATIONS ON EXTREME POVERTY

CHAPTER IV. A HUMAN RIGHTS APPROACH TO EXTREME POVERTY

CHAPTER V. CONCLUSIONS

CHAPTER VI. RECOMMENDATIONS

Notes

1/ Father Joseph Wresinski is the founder of the International Movement ATD Fourth World. Born into a poor family, he founded the movement in the 1950s with families who were living in a camp for the homeless near Paris.

2/ See on this question decisions 1989/8 and 1991/6 of the Executive Board of the United Nations Children's Fund, entitled "Reaching the poorest".

3/ See the statements by Father Wresinksi to the Commission in documents E/CN.4/1987/SR.29, paras. 62-72 and E/CN.4/1987/NGO/2.

4/ This Committee, set up in 1978, represents some 60 non-governmental organizations, working in a wide variety of fields, desirous of making the voices of the poorest heard in the United Nations. In their joint statements, they have consistently stressed the need to give in-depth consideration to extreme poverty and human rights with the participation of the poorest (see, inter alia, documents E/CN.4/1992/NGO/33 and E/CN.4/1993/NGO/30).

5/ Definition proposed by Father Wresinki in his capacity as Rapporteur of the report of the French Economic and Social Council entitled Grande pauvreté et precarité économique et sociale (in the Journal Official-Avis et Rapport du Conseil Economique et Social, p. 25); this definition was mentioned in the preliminary report on the realization of economic, social and cultural rights by Mr. Danilo Türk (E/CN.4/Sub.2/1989/19) and restated, inter alia, in the joint statement by the Fourth World NGO Committee to the United Nations in 1991 (E/CN.4/1991/NGO/37).

6/ In this definition the word "factors" covers a whole series of rights such as the right to an income, to housing, to education, to health, to employment and to training, as well as ways and means of expression, participation and remedies both legal and administrative as well as those based on family and social relations in order to offset the absence of these factors.